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In re Application of IENI :
U.S. Application No.: 10/591,608 :
PCT Application No.: PCT/US2005/007274 :
Int. Filing Date: 04 March 2005 : DECISION
Priority Date Claimed: 05 March 2004 :
Attorney Docket No.: 61368-233549 :
For: CADASIL TREATMENT WITH :
CHOLINESTERASE INHIBITORS :
:

This is in response to applicant's "Renewed Petition Under 37 CFR 1.497(d)" filed 07 August 2008.

BACKGROUND

On 04 March 2005, applicant filed international application PCT/US2005/007274, which claimed priority of an earlier United States application filed 05 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 05 September 2006.

On 05 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 December 2007, applicant filed a petition under 37 CFR 1.497(d).

On 18 June 2008, this Office mailed a decision dismissing the 26 December 2007 petition.

On 07 August 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Raymond Pratt should be added as an inventor and that John Ieni should be deleted as an inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the renewed petition states that the application has not been assigned by the original named inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 March 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 26 December 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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